



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ALLSTAR MARKETING GROUP, LLC,

Plaintiff,

-against-

THE NORTHWEST COMPANY, LLC, ROSS  
AUERBACH, SHADY MAPLE  
SMORGASBOARD, INC., JR'S SPORTS  
COLLECTIBLES, INC., SPORTS STATION,  
INC., FCW STORES, LLC, and  
KRAIGYCO, INC.,

Defendants.

Case No.: 10 CV 01613 (VM)

**JUDGMENT ON CONSENT  
WITH RESPECT TO THE  
THE NORTHWEST COMPANY  
LLC AND ROSS AUERBACH**

Plaintiff Allstar Marketing Group, LLC ("Allstar") having filed a complaint (the "Complaint") against The Northwest Company, LLC ("Northwest LLC") and Ross Auerbach ("Auerbach") (collectively, "Northwest") charging Northwest with false designation of origin, unfair competition and false advertising and trademark dilution under the Lanham Act, 15 U.S.C. §1051 et seq. and related causes of action under the laws of the State of New York (the "Complaint"); and the parties having agreed to the entry of an Order and Judgment Upon Consent with respect to the permanent injunctive relief sought in the Complaint; it is hereby ORDERED, ADJUDGED AND DECREED that:

1. This Court has jurisdiction over the parties and over the subject matter hereof pursuant to 28 U.S.C. §§ 1331, 1338 and 1367.
2. Northwest, LLC, Auerbach and their respective officers, directors, agents, servants, employees, attorneys, representatives, affiliates, subsidiaries, licensees, successors,

assigns, and all those acting for it or on its behalf, or acting in concert or privity with it, are permanently enjoined and restrained, directly or indirectly, from the following:

(a) Using or displaying (1) the SNUGGIE trademark or (2) any variation thereof using the word or word root "Snug" including, but not limited to, "Snuggler," in connection with the promotion or sale of sleeved blanket products.

(b) Using or displaying the designations "As Seen on TV," "TV" or similar designations in connection with sleeved blanket products, including in advertising, product packaging, product inserts and otherwise, at such time as it has not conducted television advertising for such products in the previous 12 months.

(c) Otherwise improperly using Allstar's SNUGGIE trademark or terms confusingly similar thereto or otherwise suggesting an association or affiliation with or sponsorship or endorsement by Allstar of sleeved fleece blanket products marketed and sold by Northwest.

3. The Complaint shall be dismissed with respect to Defendants Northwest LLC and Auerbach.

4. The Counterclaims of Defendants Northwest and Auerbach shall be dismissed.

5. The parties shall bear their respective costs and attorneys' fees.

6. This Court shall retain jurisdiction to enforce the terms of the parties' Settlement Agreement.

Consented to:

Dated: March 27, 2011

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*Attorneys for Plaintiff Allstar Marketing  
Group, LLC*

IT IS SO ORDERED ADJUDGED AND DECREED.

ENTERED, THIS 31<sup>st</sup> day of March, 2011.

Hon. Victor Marrero